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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/780,028	02/17/2004	Paul E. Furner	J-3705	9273
28165	7590	07/19/2006		
S.C. JOHNSON & SON, INC. 1525 HOWE STREET RACINE, WI 53403-2236			EXAMINER COCKS, JOSIAH C	
			ART UNIT	PAPER NUMBER
			3749	

DATE MAILED: 07/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Interview Summary	Application No.	Applicant(s)	
	10/780,028	FURNER, PAUL E.	
	Examiner	Art Unit	
	Josiah Cocks	3749	

All participants (applicant, applicant's representative, PTO personnel):

- (1) Josiah Cocks (USPTO). (3) Stiebel (applicant's representative).
 (2) Thomas Riley (applicant's representative). (4) _____.

Date of Interview: 28 June 2006.

Type: a) ☒ Telephonic b) ☐ Video Conference
 c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No.
 If Yes, brief description: _____.

Claim(s) discussed: 1-25, 27, 28, and 40-51.

Identification of prior art discussed: See attached list of patents provided by applicant's representative.


Agreement with respect to the claims f) ☐ was reached. g) ☒ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: See Continuation Sheet.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER OF ONE MONTH OR THIRTY DAYS FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.


 Examiner's signature, if required

Summary of Record of Interview Requirements

Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

37 CFR §1.2 Business to be transacted in writing.

All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner,
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

Continuation of Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: Applicant's representatives contacted the examiner to discuss the merits of the Office action mailed 4/11/2006. Applicant's representatives argued that the primary reference to Wright relied upon by the examiner did not show a gap formed between the capillary lobe and the base portion that caused a capillary flow of fuel to rise from the melting plate. Applicant's representative further argued that in Wright once the fuel level dropped below the lip of lobe/dome (e.g. 50 or 50c) no capillary flow of fuel could pass to the wick. However, the examiner noted that while fuel flow was cut off when the level dropped below the lip, prior to this cut off, the flow of fuel to the wick was considered to pass from the melting plate (32) to the base portion of the wick holder (25) which formed a gap for a capillary flow of fuel to pass beneath the wick holder to the wick. Applicant's representative also argued that in Wright the wick holder (25) was not cooperatively engaged with the lobe/dome (e.g. 50 or 50c) and that the base portion of the wick holder did not form a skirt that extend around the lobe (e.g. applicant's claim 42). The examiner noted that as shown for instance in Fig. 4 of Wright, the wick holder (25) was considered to be cooperatively engaged to the dome/lobe (50c) as recited. Further, the examiner considered that the base of wick holder (25) formed a skirt as claimed and that the flow of fuel passing through a gap beneath this wick holder base was reasonably considered to be around the lobe. The examiner indicated that the structure of applicant's invention shown particularly in Fig. 4 appeared to have some distinctions from the disclosure of Wright. However, the examiner did not consider applicant's claims to patentably describe such distinctions. Applicant's representative and the examiner further briefly discussed the references listed on the attached "List of Patents for Discussion" provided by applicant. The application will be subject to appropriate consideration based on the next proper response to the Office action mailed 4/11/2006 filed by applicant.

IN THE UNITED STATES PATENT
AND TRADEMARK OFFICE

Applicant(s): Paul B. Furner)

Serial No.: 10/780,028)

Filed: February 17, 2004)

For: Improved Melting Plate Candles)

Group Art Unit: 3743)

Examiner: Josiah C. Cocks)

Atty. Docket No.: J-3705)

VIA FACSIMILE

Date: June 27, 2006

*Attachment to
Interview Summary
of 6/28/06
jm*

LIST OF PATENTS FOR DISCUSSION

Examiner:

Following is a list of cited references for discussion during our telephonic interview scheduled for June 28, 2006:

Gross U.S. Patent No. 3,730,674

Lee U.S. Patent No. 3,910,753

Pappas U.S. Patent No. 6,062,847

Colthar et al. U.S. Patent No. 6,454,561

Wright et al. U.S. Patent Publication No. 2002/0166863

Pesu et al. U.S. Patent Publication 2004/0033463

DE 2,440,068

UK 2,080,514

The identification the above documents is not an admission or representation that such document is in fact prior art, or that the remaining documents cited in information disclosure statements by the applicant either are or are not material to the subject matter of the present patent application.

Thomas P. Riley
Reg. No. 50,556